

REMARKS

This responds to the Final Office Action mailed 17 May 2007. Claims 1-42 are presently pending in this application. Claims 8, 21 and 33 have been cancelled. Applicant has amended claims 1, 18, 23, 34 and 39. Applicant respectfully requests reconsideration in light of the above amendments and following remarks.

21 August 2007 Interview Summary

The Examiner's Interview Summary of the 21 August 2007 telephonic interview states as follows:

Applicant discussed proposed amendments to the claims. In particular amending claim 1 to include the limitations of claim 21. The Examiner agreed that the proposed amendments to the claims overcome the current prior art of record. After a subsequent search the Examiner will consider all Applicant's arguments and amendments upon formal submission. No agreement was reached on patentability.

The Examiner also noted that U.S. Patent No. 6,102,476 to May was discussed.

Rejections Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claim 23 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention. Applicant amended claim 23 according to the Examiner's request. Thus, Applicant respectfully requests that the Examiner withdraw the rejection to claim 23 under 35 U.S.C. § 112, second paragraph.

Rejections Under 35 U.S.C. §102(b) (May):

Claims 1-12, 14, and 17 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,102,476 to May et al. ("May"). Because the Examiner agreed in the 21 August 2007 telephonic interview that May does not anticipate amended independent claim 1 and because of the reasons discussed below, Applicant respectfully requests that the Examiner withdraw this rejection.

More particularly, Applicant amended independent claim 1 to read “a framework of interconnected members configured to collapse from a non-collapsed position into a collapsed position, the collapsed position having a vertical height of no more than twelve inches.” Clearly, May does not disclose the above-described limitation. In contrast to claim 1, May discloses a furniture piece with “large, thick cushions, and a pair of wide armrests that extend from the waist level to almost the ground.” See Abstract and Figure 3 (below).

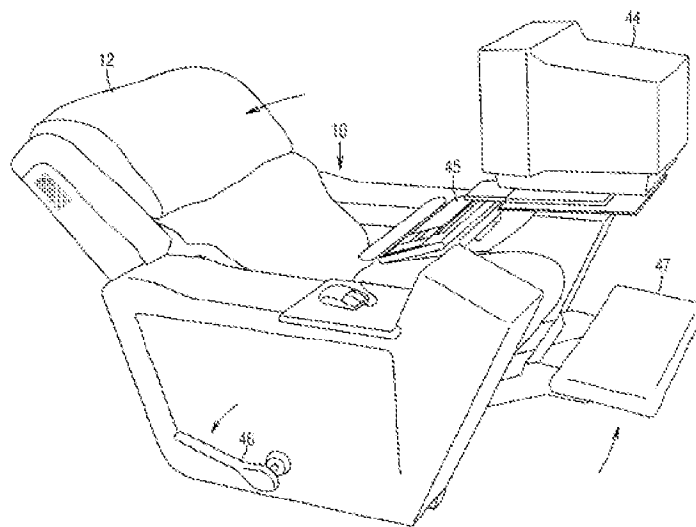


Fig. 3

Thus, it is clear that May does not anticipate claim 1, as amended. Because independent claim 1, as well as claims 2-12, 14 and 17, which depend from claim 1, are allowable over May, Applicant requests withdrawal of the 35 U.S.C. § 102(b) rejections based on May.

Rejections Under 35 U.S.C. §102(b): Brister

Claims 23, 24, 26, 29, and 30 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Publication No. 2002/0011374A1 to Brister (“Brister”). In response, Applicant made the above-listed amendments to independent claim 23 and provides the following remarks.

M.P.E.P 706.02 provides that “for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly.” Applicant respectfully submits that Brister does not teach each and every aspect of claims 23, 24, 26, 29, and 30.

More specifically, independent claim 23 reads: “a second cross member attached to second ends of the third and fourth angled members, and also attached to second ends of the first and second upper members, wherein the cockpit is configured to collapse from a non-collapsed position to a collapsed position when the chair is detached from the chair cross-member and the first and second angled members are detached from the first and second upper members, the collapsed position having a vertical height of no more than twelve inches.” In contrast, Brister discloses a motorized cart with a brush cage that “covers and protects a user during operation.” See Abstract. Clearly, Brister does not disclose a “cockpit is configured to collapse from a non-collapsed position to a collapsed position when the chair is detached from the chair cross-member and the first and second angled members are detached from the first and second upper members, the collapsed position having a vertical height of no more than twelve inches” because Brister’s brush cage must be rigid enough to protect a user from impact. In contrast, the “portable video game cockpit” will never need

this same level of structural reinforcement as a user will likely be sitting inside a home playing a video game. As Brister fails to show or teach all of the limitations of claim 23, Brister does not anticipate claim 23. Accordingly, independent claim 23, as well as claims 24, 26, 29, and 30, which depend from claim 23, are allowable over Brister. Applicant therefore requests withdrawal of the 35 U.S.C. § 102(b) rejections based on Brister.

Rejections Under 35 U.S.C. §102(e): Baru

Claims 1, 2, 4, 6, 7, 9, 12, 13, 15, 17, 39, and 40 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0155493A1 to Baru (“Baru”). Applicant submits that amended independent claims 1 and 39 clearly distinguish over Baru.

Claim 1 recites “a framework of interconnected members configured to collapse from a non-collapsed position into a collapsed position, the collapsed position having a vertical height of no more than twelve inches” and claim 39 recites “providing a support apparatus that is configured to collapse from a non-collapsed position into a collapsed position having a vertical height of no more than twelve inches.” Baru does not disclose these limitations. Instead, Baru discloses a retrofittable appendage “for converting an office chair into a computer workplace.” See Abstract. Thus, Baru increases the amount of space a piece of furniture takes up instead of decreasing the amount of space, as claims 1 and 39 do by collapsing “from a non-collapsed position into a collapsed position.”

As Baru fails to show or teach all of the limitations of claims 1 and 39, it does not anticipate these claims. Accordingly, independent claims 1 and 39, as well as claims 2, 4, 6, 7, 9, 12, 13, 15, and 17, which depend from claim 1, as well as claim 40, which depends from claim 39, are allowable over Baru. Applicant therefore requests withdrawal of the 35 U.S.C. § 102 rejections

based on Baru.

Rejections Under 35 U.S.C. §102(e): Masaya

Claims 1, 2, 6-9, 11, 12, 14, 18, 19, 34, 35, 37, and 38 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2005/0009611A1 to Masaya et al. (“Masaya”). Applicant respectfully submits that amended independent claims 1, 18 and 34 overcome this rejection.

Claim 1 recites “a framework of interconnected members configured to collapse from a non-collapsed position into a collapsed position, the collapsed position having a vertical height of no more than twelve inches,” claim 18 recites “a framework of interconnected members configured to collapse from a non-collapsed position into a collapsed position having a vertical height of no more than twelve inches,” and claim 34 recites “an open framework of adjustable interconnected members configured to collapse from a non-collapsed position into a collapsed position, the collapsed position having a vertical height of no more than twelve inches.” In contrast, Masaya merely discloses supporting boards 38, 39 and a “fighter cockpit assembly 40 [that] can be easily disassembled and assembled by loosening or tightening the lock element 25.” See page 1, paragraph 16. Ease of disassembly falls far short of the collapsible-related limitations in claims 1, 18 and 34 as any device can be dissembled.

As Masaya fails to show or teach all of the limitations of claims 1, 18 and 34, it does not anticipate these claims. Thus, independent claims 1, 18, and 34, as well as claims 2, 6-9, 11, 12, 14, 19, 35, 37, and 38, which depend from claims 1, 18, and 34, are allowable over Masaya. Applicant therefore requests withdrawal of the 35 U.S.C. § 102(e) rejections based on Masaya.

Rejections Under 35 U.S.C. §102(e): Brasseal

Claims 23, 24, and 29 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0129489A1 to Brasseal et al. (“Brasseal”). Applicant respectfully submits that amended independent claim 23 overcomes this rejection.

Amended independent claim 23 reads: “a second cross member attached to second ends of the third and fourth angled members, and also attached to second ends of the first and second upper members, wherein the cockpit is configured to collapse from a non-collapsed position to a collapsed position when the chair is detached from the chair cross-member and the first and second angled members are detached from the first and second upper members, the collapsed position having a vertical height of no more than twelve inches.” In contrast, Brasseal discloses a sand rail/dune buggy that includes a roll-cage frame. See Abstract. Clearly, Brasseal’s “roll-cage frame,” which is designed for safety (see page 1, paragraph 0003) does not disclose a cockpit “configured to collapse from a non-collapsed position to a collapsed position when the chair is detached from the chair cross-member and the first and second angled members are detached from the first and second upper members, the collapsed position having a vertical height of no more than twelve inches.”

As Brasseal fails to show or teach all of the limitations of claim 23, it does not anticipate claim 23. Accordingly, independent claim 23, as well as claims 24 and 29, which depend from claim 23, are allowable over Brasseal. Applicant therefore requests withdrawal of the 35 U.S.C. § 102(e) rejections based on Brasseal.

Rejections Under 35 U.S.C. §103

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over May in view of Brasseal. Claim 16 depends from claim 1 and is allowable for at least the same reasons that claim 1 is allowable.

Claims 20 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Masaya in view of Baru. Claims 20 and 22 depend from claim 18 and are allowable for at least the same reasons that claim 18 is allowable.

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Brister in view of U.S. Patent No. 6,142,877 to Nishimura (“Nishimura”). Claim 25 depends from claim 23 and is allowable for at least the same reasons that claim 23 is allowable.

Claims 21 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brasseal in view of Great Britain Patent No. GB 2389319A to Fen-Ying Lai (“Lai”). However, Applicant cancelled claims 21 and 33.

Claims 26, 31, and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brasseal in view of Masaya. Claims 26, 31, and 32 depend from claim 23 and are allowable for at least the same reasons that claim 23 is allowable.

Claims 27 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brister in view of U.S. Patent No. 5,992,809 to Sweere et al. (“Sweere”). Claims 27 and 28 depend from claim 23 and are allowable for at least the same reasons that claim 23 is allowable.

Claim 36 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Masaya in view of May. Claim 36 depends from claim 34 and is allowable for at least the same reasons that claim 34 is allowable.

Claims 41 and 42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Baru in view of May. Claims 41 and 42 depend from claim 39 and are allowable for at least the same reasons that claim 39 is allowable.

CONCLUSION

Applicant respectfully submits that the present application is in condition for allowance. Applicant invites the Examiner to contact the undersigned by telephone to expedite prosecution of the present application if there remain any unresolved issues.

Respectfully submitted,

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